

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAHARRIS ROLLINS : CIVIL ACTION
 : :
 : :
JEFFREY BEARD, et al. : NO. 04-CV-2544

ORDER

AND NOW, this 8th day of July , 2008, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, the Response, the Reply, the Sur-Reply, the Response to New Matter in the Sur-Reply, and after review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated May 1, 2008 and Petitioner's Objections thereto, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;¹
2. The Petition for Writ of Habeas Corpus is DENIED without prejudice and DISMISSED without an evidentiary hearing; and
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.

1. This Report is adopted with the correction of the last sentence of the paragraph under heading B. Failure to Investigate on page 15. The sentence should read "Accordingly, I recommend that (this) these assertions of trial counsel ineffectiveness have no merit."